

## Attachment 1.1

Proof of publication for the  
May 28, 2020 public hearing

**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

ACCOUNTS PAYABLE  
WASHOE CO  
1001 E 9TH ST BLDG D

RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 01/03/2020 - 01/17/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Director is proposing revisions to District Board of Health Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions and public workshop schedule are available on the Washoe County Air Quality Management Division website (OurCleanAir.com).


A public workshop will be held on Wednesday, January 15, 2020. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop date and location will be posted at OurCleanAir.com. Interested persons who may be affected, wish to comment, or request an additional public workshop should submit in writing to Daniel Inouye, Branch Chief, by:

- 1) Mail to:  
Washoe County Health District, Air Quality Management Division  
1001 E. Ninth Street, B-171  
Reno, NV 89512, or
- 2) Email to: [KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us), or
- 3) FAX to: 775-784-7226.


Written comments will be accepted until the close of business on Monday, February 3, 2020, and will be considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the District Board of Health for consideration of acceptance at a public hearing to be held at 1:00 p.m. on Thursday, February 27, 2020 at the Board of County Commissioners Chambers, located at 1001 East Ninth Street, Building A, Reno, NV. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next District Board of Health meeting scheduled for 1:00 pm on Thursday, March 26, 2020 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
0003979133

Jan 3, 8, 17, 2020

01/03/20, 01/08/20, 01/17/20

  
Legal Clerk

Subscribed and sworn before me this  
17th of January 2020.

  
NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires 8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

Ad#:0003979133

P O :

# of Affidavits: 1

This is not an invoice

**PROOF OF  
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**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

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RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 02/07/2020 - 02/21/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Washoe County Health District (WCHD), Air Quality Management (AQM) Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions and public workshop schedule are available at [OurCleanAir.com](http://OurCleanAir.com).

Public workshops are scheduled on Wed, Feb 19, 2020 from 10-12:30pm and 3-5pm at 1001 E. 9th St in Bldg B, South Auditorium. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop date and location posted at [OurCleanAir.com](http://OurCleanAir.com). Interested persons wishing to comment or request an additional public workshop should submit them in writing to Daniel Inouye, Branch Chief via mail: WCHD, AQM, 1001 E. 9th St, B-171, Reno, NV 89512; email: [Kee@Cleanairwashoecounty.us](mailto:Kee@Cleanairwashoecounty.us); or fax: 775-784-7225.

Written comments will be accepted until the close of business on Mon, Mar 2, 2020, and considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the DBOH for consideration of acceptance at a public hearing to be held at 1pm on Thu, Mar 26, 2020 at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next DBOH meeting scheduled for 1pm on Thu, Apr 23, 2020 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.

0004042973

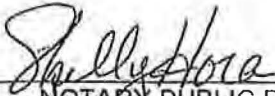
Feb 7, 12, 21, 2020

02/07/20, 02/12/20, 02/21/20



Legal Clerk

Subscribed and sworn before me this  
21st of February 2020.



NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires:

8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

Ad#:0004042973

P O : Prescribed Burning Regs

# of Affidavits : 1

This is not an invoice

**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

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WASHOE CO  
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RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 04/16/2020 - 04/27/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Washoe County Health District, Air Quality Management Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions are available at OurCleanAir.com.

A Public Hearing for adoption of the proposed revisions will be held at 1pm on Thursday, May 28, 2020, at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV.. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
No 4152946

April 16, 21, 27, 2020

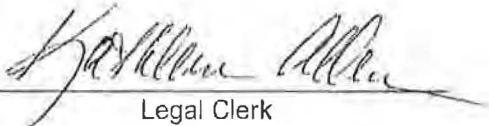
**Notice of Proposed Action**

The Washoe County Health District, Air Quality Management Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions are available at OurCleanAir.com.

A Public Hearing for adoption of the proposed revisions will be held at 1pm on Thursday, May 28, 2020, at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV.. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
No 4152946

April 16, 21, 27, 2020

04/16/2020, 04/21/2020, 04/27/2020

  
Legal Clerk

Subscribed and sworn before me this  
27th of April 2020.

W CONG APR 27 2020 3:42

  
NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires: 8-25-23

Ad#:0004152946  
P O : 172300-710546  
# of Affidavits 1

This is not an invoice

SHELLY HORA  
Notary Public  
State of Wisconsin

## Attachment 1.2

DBOH agenda for the  
May 28, 2020 public hearing

## **Washoe County District Board of Health Videoconference Meeting Notice and Agenda**

### **Members**

Dr. John Novak, Chair  
Michael D. Brown, Vice Chair  
Marsha Berkbigler  
Kristopher Dahir  
Dr. Reka Danko  
Oscar Delgado  
Tom Young

**Thursday, May 28, 2020  
1:00 p.m.**

**Washoe County Health District  
Commission Chambers, Building A  
1001 East Ninth Street  
Reno, NV**

### **TO COMPLY WITH SOCIAL DISTANCING PER THE EMERGENCY DIRECTIVE 006 SECTION 2**

please be sure to attend this meeting via the link listed below or via phone.  
(be sure to keep your devices on mute, and do not place the meeting on hold)

<https://us02web.zoom.us/j/86324005661?pwd=MFp3VmZ0Q0tqdnJlZkhNSEY5MzRqQT09>

**Phone: 1-669-900-9128  
Meeting ID: 863 2400 5661  
Password: 936219**

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**An item listed with asterisk (\*) next to it is an item for which no action will be taken.**

### **1:00 p.m.**

- 1. \*Roll Call and Determination of Quorum**
- 2. \*Pledge of Allegiance**
- 3. \*Public Comment**

Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

**As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public may submit public comment by teleconference by logging into the ZOOM webinar by accessing the above link.**

NOTE: The zoom option will require a computer with audio and video capabilities.

**Public comment requests can be submitted to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) no later than 4:00 p.m. on Wednesday, May 27, 2020.**

- 4. Approval of Agenda – (FOR POSSIBLE ACTION)  
May 28, 2020**

## 5. **\*Recognitions**

### A. Retirements

- i. Suzanne Dugger, Air Quality Specialist, retired May 1, 2020 – AQM
- ii. Carol Lynn Shore, Public Health Nurse II, retired May 1, 2020 – CCHS
- iii. Scott Baldwin, Air Quality Specialist, retired May 1, 2020 – AQM
- iv. Jacqueline Gonzalez, Advanced Practice Registered Nurse, retired May 1, 2020 – CHS
- v. Dr. Randall Todd, Epi Center Director, retired May 8, 2020 - EPHP

### B. Years of Service

- i. Lilia Sandoval-Huffman, 25 years, hired May 15, 1995 – CCHS
- ii. Cindy Hawks, 20 years, hired May 1, 2000 – EPHP
- iii. Laurie Griffey, 15 years, hired May 9, 2005 - AHS

### C. Promotions

- i. Kimberly Graham – promoted from Administrative Assistant I to Fiscal Compliance Officer - AHS

### D. New Hires

- i. Vicky Olson, March 30, 2020, Emergency Medical Services Coordinator, ODHO
- ii. Lisa Sheretz, April 13, 2020, Health Educator II – CCHS
- iii. Liliana Wilbert, April 27, 2020, Epidemiologist – EPHP
- iv. Andrea Esp, April 13, 2020, Preparedness and EMS Program Manager – EPHP
- v. Christina Sheppard, Advanced Practice Registered Nurse, transferred on May 11, 2020 - CCHS

### E. Shining Star

- i. Theresa Bennett

### F. Hero of the Day

- i. Erick Lamun

## 6. **Proclamation (FOR POSSIBLE ACTION)**

Emergency Medical Services Week

Accepted by: Andrea Esp

## 7. **Consent Items – (FOR POSSIBLE ACTION)**

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

### A. Approval of Draft Minutes – **(FOR POSSIBLE ACTION)**

- i. March 26, 2020

### B. Budget Amendments/Interlocal Agreements – **(FOR POSSIBLE ACTION)**

- i. Approve a Notice of Subaward from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health retroactive to January 20, 2020 through March 15, 2021 in the amount of \$931,381.00 to support COVID-19 crisis response activities and authorize the District Health Officer to execute the Notice of Subaward and any future amendments. **(FOR POSSIBLE ACTION)**  
Staff Representative: Nancy Kerns-Cummins
- ii. Approve the Agreement between Washoe County Health District and the Board of Regents of the Nevada System of Higher Education to provide access to community and clinical public health opportunities for medical residents during their preceptorship experience for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year

periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year. **(FOR POSSIBLE ACTION)**

Staff Representative: Kim Graham

- iii. Approve two Interlocal Agreements between Washoe County Health District and University of Nevada, Reno School of Medicine Integrated Clinical Services, Inc., and University of Nevada, Reno School of Medicine Multi-Specialty Group Practice North, Inc., dba MEDSchool Associates North, to designate faculty member(s) to serve as Medical Director to the District for the Family Planning Clinic and to provide colposcopy and/or biopsy services to clients referred by the Clinic for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties, with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year. **(FOR POSSIBLE ACTION)**

Staff Representative: Kim Graham

- iv. Approve Subaward Amendment #1 from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health retroactive to March 29, 2020 through April 28, 2020 in the amount of \$15,279 for a total revised award of \$117,577 in support of the Community and Clinical Health Services Division (CCHS) Tobacco Prevention and Control Grant Program, IO#11559 and authorize the District Health Officer to execute the Subaward. **(FOR POSSIBLE ACTION)**

Staff Representative: Kim Graham

- v. Approve the Agreement between Washoe County Health District and Washoe County through its Department of Juvenile Services to provide consultative and clinical services, Tuberculosis (TB) testing, and Sexually Transmitted Disease (STD)/TB treatment medications for Wittenburg juveniles for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year. **(FOR POSSIBLE ACTION)**

Staff Representative: Kim Graham

- vi. Possible approval of the Amendment to Interlocal Agreement for Incident Command and Coordinated Response to COVID-19 to allow transfer of delegation of authority and responsibility from Battalion Chief Sam Hicks to Aaron Kenneston, Washoe County Emergency Manager. **(FOR POSSIBLE ACTION)**

Staff Representative: Kevin Dick

## **8. Regional Emergency Medical Services Authority**

Presented by: Dean Dow and Alexia Jobson

- A. Review and Acceptance of the REMSA Operations Report for March 2020 – (FOR POSSIBLE ACTION)**
- B. Review and Acceptance of the REMSA Operations Report for April 2020 – (FOR POSSIBLE ACTION)**
- C. \*Update of REMSA's Public Relations during March 2020**
- D. \*Update of REMSA's Public Relations during April 2020**



9. **PUBLIC HEARING - Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning. (FOR POSSIBLE ACTION)**  
Staff Representative: Francisco Vega
10. **Review and update on COVID-19 Emergency Response Activities. FOR POSSIBLE ACTION**  
Staff Representative: Kevin Dick
11. **Acknowledge receipt of the Health Fund Financial Review for April, Fiscal Year 2020. (FOR POSSIBLE ACTION)**  
Staff Representative: Anna Heenan
12. **\*Staff Reports and Program Updates**
  - A. **Air Quality Management, Francisco Vega, Division Director**  
Program Update – Maintenance of Essential Functions, Divisional Update, Program Reports, Monitoring and Planning, Permitting and Enforcement
  - B. **Community and Clinical Health Services, Lisa Lottritz, Division Director**  
Divisional Update – Teen Pregnancy Prevention Month; Data & Metrics; Sexual Health (HIV and Disease Investigation), Immunizations, Tuberculosis Prevention and Control Program, Reproductive and Sexual Health Services, Chronic Disease Prevention Program, Maternal Child and Adolescent Health and Women Infants and Children.
  - C. **Environmental Health Services, Charlene Albee, Division Director**  
Environmental Health Services (EHS) Division Program Updates – **Consumer Protection** (Food, Food Safety, Permitted Facilities, and Commercial Plans) and **Environmental Protection** (Land Development, Safe Drinking Water, Vector, Waste Management/UST, and Inspections).
  - D. **Epidemiology and Public Health Preparedness, Andrea Esp, Acting Division Director**  
Communicable Disease, Public Health Preparedness, Emergency Medical Services, and Vital Statistics
  - E. **Office of the District Health Officer, Kevin Dick, District Health Officer**  
District Health Officer Report – COVID-19 Response, COVID-19 Homelessness Response, COVID-19 Contact Tracing, and Health District Support.
13. **\*Board Comment**  
District Board of Health Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)

#### 14. \*Public Comment

Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public may submit public comment by teleconference by logging into the ZOOM webinar by accessing the above link.

NOTE: The zoom option will require a computer with audio and video capabilities.

Public comment requests can be submitted to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) no later than 4:00 p.m. on Wednesday, May 27, 2020.

#### Adjournment. (FOR POSSIBLE ACTION)

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**Possible Changes to Agenda Order and Timing:** Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

**Special Accommodations:** The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9<sup>th</sup> Street, Building B, Reno, NV 89512, or by calling 775.328.2416, 24 hours prior to the meeting.

**Public Comment:** Members of the public may make public comment by submitting an email comment to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) no later than 4:00 p.m. the day before the scheduled meeting, which includes the name of the commenter and the agenda item number for which the comment is submitted. During the "Public Comment" items, emails may be submitted pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment emails will only be heard during items that are not marked with an asterisk (\*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board.

**Response to Public Comment:** The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – District Board of Health Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)"

**Posting of Agenda; Location of Website:**

Pursuant to NRS 241.020, Notice of this meeting was posted electronically at the following locations:

Washoe County Health District Website [www.washoecounty.us/health](http://www.washoecounty.us/health)

State of Nevada Website: <https://notice.nv.gov>

Pursuant to the Declaration of Emergency Directive 006 NRS241.023(1)(b), the requirement to physically post agendas is hereby suspended.

**How to Get Copies of Agenda and Support Materials:** Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9<sup>th</sup> Street, in Reno, Nevada. Ms. Susy Valdespin, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Valdespin is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us). Supporting materials are also available at the Washoe County Health District Website [www.washoecounty.us/health](http://www.washoecounty.us/health) pursuant to the requirements of NRS 241.020.

## Attachment 1.3

Staff report for proposed revisions to the  
DBOH Regulations Governing Air Quality  
Management, Section 040.037 Prescribed  
Burning

DD	<u>FV</u>
DHO	<u>  KD  </u>
DA	<u>DR</u>
Risk	<u>  </u>

**STAFF REPORT**  
**BOARD MEETING DATE: May 28, 2020**

**TO:** District Board of Health

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, fvega@washoecounty.us

**SUBJECT:** Public Hearing - Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning.

**SUMMARY**

The Washoe County District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management (Regulations). Per NRS 237, Business Impact Statements “must be considered by the governing body at its regular meeting next preceding any regular meeting held to adopt” the proposed revisions.

**District Health Strategic Priority supported by this item:**

**2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

**PREVIOUS ACTION**

Prescribed burning requirements were last revised on August 25, 1993 when they were part of Section 040.035 (Open Burning).

On March 26, 2020, the District Board of Health adopted the Business Impact Statement with a finding that the revised regulations do not impose a direct and significant economic burden on businesses; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for April 23, 2020 that was cancelled and rescheduled for May 28, 2020 at 1:00 pm.

**BACKGROUND**

Prescribed burning requirements were originally part of Section 040.035 (Open Fires). Section 040.035 was revised and renamed on September 26, 2019 and removed the prescribed burning portions from the regulation. This revision of Section 040.037 (Prescribed Burning) creates a new rule for prescribed burning distinct from Section 040.035 (Open Burning). Below is a summary of the major revisions being proposed:

1. The regulation applies to any federal, state or local fire control agencies and land management agencies that conduct prescribed burns in Washoe County;
2. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit;
3. Compliance with the Smoke Management Program;
4. A Smoke Management Permit (revised from “prescribed burning permit”) must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions;
5. All prescribed burns must follow the Smoke Management Permit conditions:
  - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the “District Board of Health Regulations Governing Air Quality Management” Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.
  - f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
  - g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

The following methods were used to provide notice of the proposed revisions and public workshops:

1. A public notice of the proposed revisions was published in the Reno Gazette-Journal on January 3, 8, and 17, 2020, on February 7, 12, and 21, 2020, and April 16, 21, and 27, 2020.
2. The proposed revisions and workshop information was posted in the “Current Topics” section of the AQMD website (OurCleanAir.com).
3. The notifications were emailed to fire control agencies and land management agencies that conduct prescribed burning in Washoe County, canal and irrigation companies, and the Tahoe Sierra Clean Air Coalition.

One public workshop was held on January 15, 2020. Two individuals attended the workshop with comments related to the Open Burning regulation, Section 040.035. Two public workshops were held on February 19, 2020. Two individuals from a land management agency attended the morning

workshop for the presentation and discussion of the revisions. They did not provide public comment. One individual from a local fire protection district attended the afternoon workshop for the presentation and discussion of the revisions and did not provide public comment. Additional attendees at each meeting included AQMD staff. During the workshops, a presentation was prepared to discuss the background and proposed regulatory revisions. A sign-in sheet, hard copies of the proposed revision and public comment forms were available at the workshop and a link to the location of the draft Smoke Management Plan was provided. A copy of the workshop presentation and Smoke Management Plan is attached.

### **FISCAL IMPACT**

The fee for a Smoke Management Permit did not increase, therefore there are no fiscal impacts resulting from the Board accepting the Business Impact Statement.

### **RECOMMENDATION**

Staff recommends the District Board of Health adopt the revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:

"Move to adopt the revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning."

040.037 PRESCRIBED BURNING (Revised from 040.035 adopted 05/28/20)

**SECTION A – GENERAL**

1. **PURPOSE:** To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. **APPLICABILITY:** The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. **Allowable Vegetation.** Means only plant material that is identified in the burn plan or project where the burn is to be conducted.
2. **Fire Control Agency:** Agencies that are qualified to conduct prescribed burns.
3. **Land Management Agency:** Agencies that are qualified to conduct prescribed burns.
4. **Open Burning.** Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.
5. **Prescribed Burning.** Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
6. **Recreational Fires.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. **Smoke Impacts.** Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

**SECTION C – STANDARDS:** The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
  - a. Residential open burning (defined in Section 040.035);
  - b. Recreational fires; and
  - c. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.

4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

**SECTION D – ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.

**SECTION E – COMPLIANCE AND RECORDS:** For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. Prescribed burns shall not be subject to the burn limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least **fourteen (14)** calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn plan and any other information as required by the Control Officer.
5. All prescribed burns must follow the following Smoke Management Permit conditions:
  - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.
  - f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
  - g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to



revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

040.037 PRESCRIBED BURNING (Revised from 040.035)

**SECTION A – GENERAL**

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that is identified in the burn plan or project ~~grew on the property~~ where the burn is to be conducted.
2. Fire Control Agency: Agencies that are qualified to conduct prescribed burns.
3. Land Management Agency: Agencies that are qualified to conduct prescribed burns.
4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.
5. Prescribed Burning. Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

**SECTION C – STANDARDS:** The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
  - a. Residential open burning (defined in Section 040.035);
  - b. Recreational fires; and
  - c. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.
4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.

5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

**SECTION D – ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.
- ~~2. Prescribed burning within Washoe County is applicable to the following agencies:~~
  - ~~a. Divisions of federal, state, and local fire control agencies;~~
  - ~~b. Divisions of local municipalities; and~~
  - ~~c. Canal and irrigation companies.~~

**SECTION E – COMPLIANCE AND RECORDS:** For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. ~~For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions.~~ Prescribed burns shall not be subject to the burn limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least fourteen (14) calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn plan and any other information as required by the Control Officer.
5. All prescribed burns must follow the following Smoke Management Permit conditions:
  - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.

- f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
- g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

DRAFT FEBRUARY 7, 2020

## PREScribed BURN PERMIT APPLICATION AIR QUALITY MANAGEMENT DIVISION

Return Notification to:

Washoe County Air Quality Management Division  
Attention: Smoke Management Coordinator  
1001 East Ninth Street, Suite B171  
Reno, NV 89512

Voice: (775) 784-7200

Email: [Prescribed Burn Permit](#)

**FEE as of July 1, 2019: \$144.00 per burn plan + \$35.00 per unit.**

NOTE: For prescribed burns located within Washoe County, Section 040.037 of the Washoe County District Board of Health Regulations Governing Air Quality Management allows prescribed burning in forest areas to be conducted only by local fire control authorities or managers. A copy of the Burn Plan must be submitted prior to this approval.

Applicant/Agency Overseeing Burn

Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Burn Description

Location (Include APN): \_\_\_\_\_

Project Name: \_\_\_\_\_

Is this within 15 miles of an identified area (IA)? \_\_\_\_\_

Number of Acres: \_\_\_\_\_

Burn Phases/Sections \_\_\_\_\_ Burn Type: \_\_\_\_\_

Volume/Weight of Material: \_\_\_\_\_

Date(s) of burn: \_\_\_\_\_

Start Time: \_\_\_\_\_

Duration (hours): \_\_\_\_\_

Reason for Burn: \_\_\_\_\_

Justification for alternatives attached?: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Revised 1/31/2020 – GR

**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

ACCOUNTS PAYABLE  
WASHOE CO  
1001 E 9TH ST BLDG D

RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 01/03/2020 - 01/17/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Director is proposing revisions to District Board of Health Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions and public workshop schedule are available on the Washoe County Air Quality Management Division website (OurCleanAir.com).

A public workshop will be held on Wednesday, January 15, 2020. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop date and location will be posted at OurCleanAir.com. Interested persons who may be affected, wish to comment, or request an additional public workshop should submit in writing to Daniel Inouye, Branch Chief, by:

- 1) Mail to:  
Washoe County Health District, Air Quality Management Division  
1001 E. Ninth Street, B-171  
Reno, NV 89512, or
- 2) Email to: [KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us), or
- 3) FAX to: 775-784-7226.


Written comments will be accepted until the close of business on Monday, February 3, 2020, and will be considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the District Board of Health for consideration of acceptance at a public hearing to be held at 1:00 p.m. on Thursday, February 27, 2020 at the Board of County Commissioners Chambers, located at 1001 East Ninth Street, Building A, Reno, NV. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next District Board of Health meeting scheduled for 1:00 pm on Thursday, March 26, 2020 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
0003979133

Jan 3, 8, 17, 2020

01/03/20, 01/08/20, 01/17/20

  
Legal Clerk

Subscribed and sworn before me this  
17th of January 2020.

  
NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires 8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

Ad#:0003979133

P O :

# of Affidavits: 1

This is not an invoice

**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

ACCOUNTS PAYABLE  
WASHOE CO  
1001 E 9TH ST BLDG D

RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 02/07/2020 - 02/21/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Washoe County Health District (WCHD), Air Quality Management (AQM) Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions and public workshop schedule are available at [OurCleanAir.com](http://OurCleanAir.com).

Public workshops are scheduled on Wed, Feb 19, 2020 from 10-12:30pm and 3-5pm at 1001 E. 9th St in Bldg B, South Auditorium. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop date and location posted at [OurCleanAir.com](http://OurCleanAir.com). Interested persons wishing to comment or request an additional public workshop should submit them in writing to Daniel Inouye, Branch Chief via mail: WCHD, AQM, 1001 E. 9th St, B-171, Reno, NV 89512; email: [Kee@CleanAir.com](mailto:Kee@CleanAir.com); or fax: 775-784-7225.

Written comments will be accepted until the close of business on Mon, Mar 2, 2020, and considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the DBOH for consideration of acceptance at a public hearing to be held at 1pm on Thu, Mar 26, 2020 at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next DBOH meeting scheduled for 1pm on Thu, Apr 23, 2020 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.

0004042973

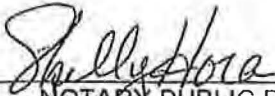
Feb 7, 12, 21, 2020

02/07/20, 02/12/20, 02/21/20



Legal Clerk

Subscribed and sworn before me this  
21st of February 2020.



NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires:

8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

Ad#:0004042973

P O : Prescribed Burning Regs

# of Affidavits : 1

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**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

ACCOUNTS PAYABLE  
WASHOE CO  
1001 E 9TH ST BLDG D  
  
RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 04/16/2020 - 04/27/2020, for exact publication dates please see last line of Proof of Publication below.

**Notice of Proposed Action**

The Washoe County Health District, Air Quality Management Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions are available at OurCleanAir.com.

A Public Hearing for adoption of the proposed revisions will be held at 1pm on Thursday, May 28, 2020, at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV.. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
No 4152946

April 16, 21, 27, 2020

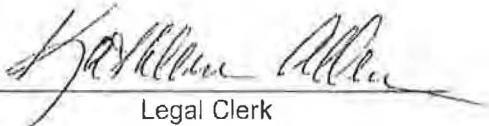
**Notice of Proposed Action**

The Washoe County Health District, Air Quality Management Division Director is proposing revisions to District Board of Health (DBOH) Regulations Governing Air Quality Management, Section 040.037, Prescribed Burning. The proposed revisions are available at OurCleanAir.com.

A Public Hearing for adoption of the proposed revisions will be held at 1pm on Thursday, May 28, 2020, at the Board of County Commissioners Chambers, located at 1001 East 9th St, Bldg A, Reno, NV.. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.  
No 4152946

April 16, 21, 27, 2020

04/16/2020, 04/21/2020, 04/27/2020

  
Legal Clerk

Subscribed and sworn before me this  
27th of April 2020.

W CONG NOV 4/2013:42

  
NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires: 8-25-23

Ad#:0004152946  
P O : 172300-710546  
# of Affidavits 1

This is not an invoice

SHELLY HORA  
Notary Public  
State of Wisconsin



**From:** [Doug Flaherty](#)  
**To:** [KeepItClean](#); [Inouye, Daniel](#); [Vega, Francisco](#)  
**Subject:** Comments Regarding Washoe County Proposed Revisions to Section 040.037 Prescribed Burning  
**Date:** Monday, February 3, 2020 2:05:04 PM  
**Attachments:** [EZ Form Comments Proposed Washoe Prescribed Burn Ordinance 040.037\(2\).pdf](#)  
[040.037 PRESCRIBED BURNING Suggested Track Changes.doc](#)

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear AQMD:

Please find attached, 2 files attached containing my comments regarding Washoe County's Proposed Revision of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning (Revised from 040.035 Open Fires).

My emphasis is on suggested improvements to help protect public health in Residential Areas during Agency Prescribed Burning.

One attached file contains suggested changes to your proposed ordinance in **WORD TRACK CHANGES**.

The second file contains a letter to your office containing comments and specifics regarding the proposed ordinance.

Along with all of the comments provided, I am concerned that your office did not take the time to revise current section 040.035. The proposed wording offered in 040.037 as written could serve to create some conflict on precisely what limitations may or may not apply to prescribed burns.

Therefore, I have offered suggested language in the WORD Track Changes document Line E 2. concerning this item.

Additionally, as an interested party and full time resident of Incline Village, NV I wish to be placed on any interested party list you may have concerning Washoe County prescribed burning discussions, meetings or notifications concerning this topic going forward.

Sincerely  
Doug Flaherty  
Resident  
774 Mays Blvd 10-691  
Incline Village, NV 89451

**To:** Washoe County Health District, Air Quality Management Division  
1001 East 9<sup>th</sup> Street, B-171  
Reno, NV 89512

KeepItClean@WashoeCounty.us

Fax: 775-784-7225

**RE:** Comments regarding Washoe County Proposed Revision of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning (Revised from 040.035 Open Fires) - My emphasis is on basic Residential Area and Smoke Sensitive Site Health and Safety during Agency Prescribed Burning

Dear Washoe County AQMD,

In the spirit of helping to ensure public health and safety during agency prescribed burning in residential and smoke sensitive areas, the proposed Washoe County Prescribed Burn regulation 040.035 as written, is void of prescribed burn agency basic accountability and responsibility as follows:

- Void of a basic, reasonable and prudent requirement that prescribed burn agencies have the responsibility to adequately mechanically monitor, gather and record real time transparent smoke/emission data during prescribed burns in or near residential neighborhoods/areas and other smoke sensitive sites.
- Void of prescribed burn agency responsibility to ensure reasonable, timely and adequate advanced notification of potentially smoke impacted residential neighborhoods/areas and other smoke sensitive sites before a prescribed burn is carried out.

In the spirit of prioritizing public health and safety in and around residential neighborhoods/areas and other smoke sensitive sites before and during Public Agency prescribed burning, I am requesting that Washoe County add the following **prudent and very reasonable items** to the County's proposed Prescribed Burn Regulation 040.037.

1. Prescribed Burn agencies must record their reason(s) for choosing burning over other alternatives as part of their burn plan or smoke management plan in or within ¼ mile of residential neighborhoods/areas, schools, school bus stops, public transportation bus stops, businesses or other smoke sensitive sites. When vegetation can be reasonably chipped or removed within these areas utilizing close proximity transportation roadway access, or spread on site, cost shall not be considered to be a reasonable justification to burn over other alternatives.
2. Prescribed burn agencies shall be required to accurately and mechanically monitor and minimize smoke impact emissions that may potentially impact residential neighborhoods/areas and other smoke sensitive sites. Each land manager will apply the best and latest technology real time smoke management mechanical air monitoring and smoke/emission reduction techniques.

3. A minimum of two Washoe County Air Management Division approved mechanical air monitors or portable mechanical air monitors that have the capability to accurately measure PM10 and PM2.5 emissions in real and transparent time from prescribed burns shall be deployed in downwind proximity of all prescribed burn sites potentially causing smoke impacts to residential neighborhoods/areas schools, school bus stops, public transportation bus stops, businesses or other smoke sensitive sites and shall be present and actively operational from the time of prescribed burn ignition and until burndown is complete.
  - a. Planned locations of the approved mechanical air monitors shall be included in and as part of the approved agency prescribed burn smoke management plan and fire control agency representatives shall continually observe and record smoke impacts and immediately report those smoke impacts to the Washoe County Air Quality Control Officer as soon as possible.
  - b. If during agency prescribed burn operations including burndown, the direction of planned prescribed burn smoke emissions shifts away from the original smoke management plan projected locations, the required portable mechanical smoke monitors will be immediately re-positioned in anticipation of gathering more accurate smoke emission data in the interest of residential neighborhood/area and other smoke sensitive site public health and safety.
  - c. Prescribed burn agencies shall perform good faith efforts to deploy the approved portable mechanical air monitors during prescribed burns potentially affecting residential neighborhoods/areas and other smoke sensitive sites in order to gather real time accurate smoke emissions data in the interest of public health and safety.
4. Prescribed burn agencies shall make a reasonable and good faith effort to notify the public within ¼ mile of all plan prescribed burns within 24 hr of planned ignition. Simply placing prescribed burn signs on roadways is to be considered as only one aspect of public notification but does not alone satisfy a reasonable and good faith effort to make public notifications.

Thank you for considering these prudent and very reasonable additions to your proposed Prescribed Burn regulation 040.035 in the interest of prioritizing public health and safety.

_____	_____	_____
Name	Date (MM/DD/YYYY)	Email Address

## SUGGESTED MODIFICATIONS TO PROPOSED 040.037

### ~~40.37~~ 040.037 PRESCRIBED BURNING (Revised from 040.035)

#### SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting prescribed burning within Washoe County.

#### SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
3. Prescribed Burning. Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
4. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
5. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans -or become a safety hazard.

#### SECTION C – STANDARDS: The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
  - i. Residential open burning;
  - ii. Recreational fires; and
  - iii. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.
4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

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**SECTION D – ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider reasonable alternatives to burning prior to conducting a prescribed burn. Agencies must record their reason(s) for choosing burning over other alternatives in their burn plan or smoke management plan. When vegetation can be reasonably chipped or removed utilizing close proximity transportation roadway access, or spread on site. Cost shall not be considered to be a reasonable justification to burn over other alternatives.
- a- 2. Mechanical smoke monitors as described below shall be deployed and utilized during all prescribed burns within residential areas or within ¼ mile of residential areas, schools, school or public transportation bus stops, businesses or smoke sensitive sites.
- b- 3. Prescribed burning within Washoe County is applicable to the following agencies:
  - e-a. Divisions of federal, state, and local fire control agencies;
  - d-b. Divisions of local municipalities; and
  - c. Canal and irrigation companies.
- 4.. A minimum of two Washoe County Air Management Division approved mechanical air monitors or portable mechanical air monitors that have the capability to accurately measure PM10 and PM2.5 emissions from prescribed burns shall be deployed in downwind proximity of all prescribed burn sites and shall be present and operational from the time of prescribed burn ignition and until burndown is complete.
  - a. Planned locations of the approved mechanical air monitors shall be included in and as part of the approved prescribed burn smoke management plan and fire control agency representatives shall continually observe and record smoke impacts as defined herein from prescribed burns and report smoke impacts as defined herein to the Control Officer as soon as possible.
  - b. If during prescribed burn operations including burndown, the direction of planned prescribed burn emissions shifts away from the original smoke management plan projected locations, the portable mechanical smoke monitors will be immediately re-positioned in anticipation of gathering more accurate smoke emission data in the interest of public health and safety.
  - e- c. Agencies shall perform good faith efforts to deploy the approved portable mechanical air monitors during prescribed burns in the interest of gathering accurate emissions data in the interest of public health and safety.

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**SECTION E – COMPLIANCE AND RECORDS:** For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions. This ordinance supersedes the ~~Prescribed burns shall not be subject to the burn~~ limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan ~~and including the Smoke Management Plan~~ set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least ten (10) calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, location and type of mechanical air monitoring devices, a copy of the burn plan and any other information as required by the Control Officer.

**From:** [Doug Flaherty](#)  
**To:** [KeepItClean](#); [Inouye, Daniel](#); [Washoe311](#); [Vega, Francisco](#)  
**Subject:** Comments Washoe County Proposed Prescribed Burn Regulations and SMP  
**Date:** Monday, March 2, 2020 3:17:47 PM  
**Attachments:** [Washoe County NV Smoke Complaint Form.pdf](#)  
[Comments Proposed Washoe Cnty Prescribed Burn Regulation and SMT Feb 7 2020 040.037\(1\).pdf](#)

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear AQMD:

As a resident of Incline Village, NV and outdoor enthusiast in Washoe County and the Lake Tahoe Basin, please find attached:

1. My comments in PDF regarding Washoe County's Proposed Revision of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning (Revised from 040.035 Open Fires) and Smoke Management Plan both watermark dated February 7, 2020.

and

2. A sample of an EZ Citizen Smoke Pollution Complaint Form

Additionally, as an interested party and full time resident of Incline Village, NV I wish to be placed on any interested party

list you may have concerning Washoe County prescribed burning discussions, meetings or notifications concerning this topic going forward.

Please let me know if you have any questions.

Sincerely

Doug Flaherty

Resident

774 Mays Blvd 10-691

Incline Village, NV 89451

**To: Daniel Inouye, Branch Chief,**

**KeepitClean@Washoe.County.US**

Washoe County Health District, Air Quality Management Division  
1001 East 9<sup>th</sup> Street, B-171  
Reno, NV 89512

Comments Due By Close of Business Today 3/2/2020

**RE:** Comments regarding Washoe County Proposed Revision of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning (Revised from 040.035 Open Fires) and the Draft Washoe County Smoke Management Plan **both watermarked draft and both dated February 7, 2020**

Dear Washoe County AQMD,

Thank you for the revised copy of the Washoe County Health District proposed Prescribed Burn Regulation and Smoke Management Plan draft both watermark dated February 7, 2020.

These comments are being provided by me as a resident of Incline Village, NV and as a recreational enthusiast in and around Washoe County, NV and the Lake Tahoe Basin.

While I understand and appreciate your efforts regarding the complicated issues surrounding Burn Agency Managers created smoke management, unfortunately, the Washoe County Health District proposed Air Quality Regulation and Smoke Management Plan draft as written, is heavily weighted in favor of prioritizing government Burn Agency Managers created pollution and carbon production over the health and safety of our citizens here in Washoe County.

Unfortunately, the Washoe County Health District proposed Prescribed Burn and Smoke Management Plan regulations as written fall short when comes to protecting our health and clean air against unfortunate unhealthy agency created smoke generation as follows:

- Washoe County Health District and public Burn Agency Managers have known for quite some time that wildland fire smoke **in any amount, including smoke from agency created pile burning** contains dangerous levels of **PM1**. You are aware that **PM1** is proven to be even more invasive and dangerous than PM 2.5 and PM10. Yet, the Washoe County Health District refuses to provide adequate **PM1** mechanical government monitors throughout Washoe County including Incline Village, NV. The proposed documents as written are void of any requirements that agencies must educate the public on the heightened health dangers of **PM1** during agency created burning and provide adequate, real time mechanical smoke monitoring especially when burning in or near smoke sensitive areas including residential areas like Incline Village, NV and the Washoe County portions of the Lake Tahoe Basin.

The proposed “paper tiger” Regulation and Smoke Management Plan language purposely avoids discussion regarding any specific requirement that would require burn agencies to provide even the most basic adequate and prudent mechanical air quality monitoring of PM1, PM2.5, PM10 and ozone in or near smoke sensitive areas including residential areas like Incline Village, NV as well during agency created smoke generation affecting Washoe County portions of the Lake Tahoe Basin.



This lack of avoidance on the part of Washoe County Health District to provide a very basic and reasonable requirement that burn agencies provide mechanical smoke monitoring to help adequately monitor, measure and control public health exposure will continue to degrade our air quality, continue to release unnecessary dangerous and massive amounts of unhealthy PM1, PM2.5, PM10 and carcinogenic Carbon Black, all resulting in the purposeful release of 1000's of tons of **harmful carbon** within Washoe County, Washoe Valley and the Washoe County Portion of the Lake Tahoe Basin.

- Washoe County Health District's stated goals within your proposed Smoke Management plan are inadequate and heavily weighted in favor of Burn Agency Managers degradation of public health when burning in or near smoke sensitive areas.

As an example, the Washoe County Air Management District proposed Smoke Management Plan states two goals and two goals only (as follows):

1) **"to allow fire to function, as nearly as possible, in its natural role in maintaining healthy wildland ecosystem's, and**

2) **"to protect public health and welfare by mitigating the impacts of smoke on air quality and visibility"**

These two stated goals are interesting since the burning of slash piles has absolutely nothing to do with "allowing fire to function, as nearly as possible, in its "natural" role in maintaining wildland ecosystems".

A third goal should be added as a first line to the existing stated two goals of the Districts proposed Smoke Management Plan as follows: **"To protect the public from EPA pollution exceedance levels by prioritizing human air quality health over forest health whenever possible"**. Please add this language to your stated goals.

The Washoe County Health District has failed to recognize that the **subjective burning of slash piles, in or near smoke sensitive areas or not, including residential and recreational areas like Incline Village and the Washoe County portions of the Lake Tahoe Basin** are not subject to the EPA "Exceptional Event" rule and are easily preventable and controllable.

Additionally, the subjective burning of slash piles, especially in or near smoke sensitive areas where roadways and access provides for easy alternatives like chipping and removal (especially in residential and business parcels less than 5 acres in size) **do not fall within your first stated Smoke Management Plan goal and is actually contrary to your goal of:..... "Allowing fire to function, as nearly as possible, in its natural role in maintaining healthy wildland ecosystems".....**Subjective Agency Burning of slash piles, especially those within or near smoke sensitive areas including residential areas like Incline Village, NV and the Lake Tahoe Basin, have nothing to do with allowing fire to function "in it's natural role" and does not fit the often utilized theoretical concept of re-introducing a regimen of fire for forest health purposes.

**There is nothing natural about the subjective agency burning of slash piles especially in or near smoke sensitive areas, including recreation areas, scenic byways including neighborhoods like Incline Village, Nv. Once burned, this dangerous process promotes unhealthy extension of smoldering pollution for days and sometimes weeks polluting our communities including Incline**

**Village, NV, and the Lake Tahoe Basin. The agency burning of these slash piles are the number 1 Lake Tahoe Basin source polluter along with agency created and purposely grown managed burns.**

Further, the proposed Regulation and Smoke Management Plan completely avoids any discussion of the repeated and very real long and short term pollution health impacts from unmonitored extended burn down of agency created slash piles inside Washoe County and particularly Incline Village, Nv and Washoe County portions of the Lake Tahoe Basin.

This avoidance and failure on the part of the Washoe County Health District to acknowledge natural Lake Tahoe Basin inversion layering and the adverse effects on public health during and after pile burning burn down seems purposeful and seems to be a further indication of continued bias favoring Burn Agency Managers created slash pile burning pollution in or near sensitive areas over public health.

This type of agency burn down pollution abuse continues regularly in the Lake Tahoe basin without adequate regulation, required mechanical monitoring, data or any real accountability. Please ban agency created slash pile burning in Washoe County in or near Smoke Sensitive areas. If the forest can be chipped and piled safely and effectively by land management agencies, then most assuredly slash can be removed or chipped safely and effectively with fiscal planning, safety planning leadership and the acknowledgement that current slash pile burning is an unacceptable form of pollution and a dangerous choice.

Additionally, as far as forest health is concerned, the NWCG Smoke Management Guide for Prescribed Fires, **which the proposed Smoke Management Plan references**, states that **“the burning of piles and windrows also causes temperature extremes in the soils directly underneath (the burn) and can sterilize soil. If fuels in piles or windrows are wet or mixed with dirt, extended smoldering can result in residual smoke problems.....Note: This is especially true in the Lake Tahoe Basin.**

A Burn Agency Managers decision to burn slash piles after a forest area has been thinned **is simply a subjective pollution and carbon introducing choice pure and simple, not natural, not an exceptional event and easily preventable and controllable with options.** This choice is often made without considering the priority of public health, the damaging effects of releasing tons of particulate carbon over what amounts to be a budgetary consideration to be able to cheaply pollute rather than spending the money and providing necessary alternative to do what is right.

**In order then to accomplish the second stated goal of the Washoe County Health District proposed smoke management plan i.e. “to protect public health and welfare by mitigating the impacts of smoke on air quality and visibility”.....please include in your proposed regulations that slash pile burning not be considered prescribed burning “for the purpose of allowing fire to function, as nearly as possible, in its natural role in maintaining healthy wildland ecosystems”.** And that slash pile burning either be banned or not be allowed within two miles of any smoke sensitive area and that “suppression” of out of control slash pile burning takes place in an aggressive and decisive manner and USFS MIST techniques not be considered as “suppression”.

We only need to look at the recent escaped Caples wildfire slash pile burning debacle in El Dorado County to validate the unacceptable results driven by the incompetent and dangerous “must burn”, “just burn”, “just let it burn” mindset of our El Dorado County burn agencies and Air Quality District. This tragic outcome, aided and abetted by weak and weakly enforced El Dorado County Air Pollution regulations continued to reveal a dangerous outcome promoted by theory and regulatory weakness.

The massive pollution from this “out of control” slash burning project heavily affected the Lake Tahoe Basin and Nevada.

Public records indicate that the firebombed burn piles resulted in USFS incompetent non responsibility immunity attitude memos like this one..... “Looks like the burn piles made a run last night”. This line speaks volumes in helping to define an out of control mindset of non-responsibility and accountability on the part of our “Must Burn”, “Just Burn”, and “Just Let It Burn” mindset of many of our burn agencies.

The same mindset by the way, that gave us the tragic Little Valley catastrophe and the recent “Baseball” fire last month on February 25, 2020 that took place on the Covelo Ranger District of the Mendocino National Forest **caused by a recent smoldering “pile burn” on the Baseball prescribed Fire Project.**

The proposed Washoe County Health District regulations as written do not in any way provide for a the prevention of a similar very real potential pile burning incident here in Washoe County.

The Washoe County Health District proposed regulations and Smoke Management Plan do not provide for adequate 24 hour visual specific monitoring, 24 hour mechanical air monitoring, size and scope limitations (i.e. Little Valley deficiencies) or suppression protection resource requirements needed to protect the public from the Burn Agency Managers reckless impunity mindset we are living with today.

To further demonstrate the Washoe County Health District regulatory shaped bias in favor of agency burning over public health, your regulations are however quick to give the burn agencies a pass to allow burn agencies to utilize Minimal Impact Suppression Tactics (MIST) as part of fire “suppression” by allowing natural barriers to be utilized during fire suppression rather than aggressive suppression action. We all know that MIST activities prolong smoldering prolong the fire size and burn time and create extensive additional dangerous regional pollution that would not have otherwise occurred with aggressive fire suppression. Yet, the Health Districts proposed Smoke Management Plan promotes this behavior.

- Additionally and unbelievably, in favor of the burn agencies agenda over public health and safety, the Washoe County Health District proposed regulations and Smoke Management Plan allow the Prescribed Burn Permit time period to run up to 18 months. This is purely unconscionable and diminishes any real control or accountability on the part of burn agencies or regulators over the scope and scale of near term agency burns created burns simply based on changing conditions and environments. The public expects this type of reasonable and responsible planning and accountability.

Please shorten your Prescribed Burn Permit language which now favors Burn Agency Managers “must burn” agendas In favor of public health and safety, to a six month to a one year Prescribed Burn Permit with a 10 day pre burn re-assessment addendum, that each burn agency should complete within 10 days. The 10 day advanced burn re-assessment for any agency created planned burn should contain written limitations regarding specific no go conditions, 24 hr mechanical and visual smoke monitoring, an updated SMP, specific discussions for prevention of escaped fire like slope topography for each burn project including specifics in burn size amounts tonnage, adequate 24 hr fire suppression resource standby as well as potential changing conditions.

During a recent public address to a governing body here in Washoe County a fire official indicated on the record something to effect that “We can’t do anything (during a fire) about slope and wind” conditions. If that is true, considering the potential of agency escaped burns, in the name of common sense public safety, why wouldn’t we simply update the agency burn permit concerning monitoring and escaped fire resource preparedness during any agency created burn. **If Washoe County Health District is going to address and bless fire tactics like MIST to support the burn agency managers “Must Burn” agenda, you may be negligent in your responsibilities not to address preparedness during near term upcoming agency created burns.**

- Language needs to be added and strengthened in the proposed Prescribed Burn Regulation and Smoke Management Plan that agency responsibility to ensure reasonable, timely and adequate advanced notification of potentially smoke impacted residential neighborhoods/areas and other smoke sensitive sites before a prescribed burn is successfully carried out.
- More space and emphasis on prescribed burning alternatives should be included in the proposed Burn Permit Application. Prescribed Burn agencies must provide an in depth record their reason(s) for choosing burning over other alternatives as part of their burn plan, permit application or Smoke Management Plan.
- Prescribed burn agencies shall be specifically required to accurately and mechanically monitor and minimize smoke impact emissions that may potentially impact any smoke sensitive areas. Each land manager will apply the best and latest technology real time smoke management mechanical air monitoring and smoke/emission reduction techniques.
- A minimum of two Washoe County Air Management Division approved mechanical air monitors or portable mechanical air monitors that have the capability to accurately measure PM1, PM10 and PM2.5 emissions in real and transparent time from prescribed burns shall be deployed in downwind proximity of all prescribed burn sites potentially causing smoke impacts to any smoke sensitive areas and shall be present and actively operational from the time of prescribed burn ignition and until burndown is complete.
  - a. Planned locations of the approved mechanical air monitors shall be included in and as part of the approved agency prescribed burn Smoke Management Plan and fire control agency representatives shall continually observe and record smoke impacts and immediately report those smoke impacts to the Washoe County Air Quality Control Officer as soon as possible.
  - b. If during agency prescribed burn operations including burndown, the direction of planned prescribed burn smoke emissions shifts away from the original smoke management plan projected locations, the required portable mechanical smoke monitors will be immediately re-positioned in anticipation of gathering more accurate smoke emission data in the interest of residential neighborhood/area and other smoke sensitive site public health and safety.
  - c. Prescribed burn agencies shall perform good faith efforts to deploy the approved portable mechanical air monitors during prescribed burns potentially affecting smoke sensitive areas in order to gather real time accurate smoke emissions data in the interest of public health and safety.
- Prescribed burn agencies shall make a reasonable and good faith effort to notify the public

within 1 mile of all plan prescribed burns within 24 hr of planned ignition. Simply placing prescribed burn signs on roadways is to be considered as only one aspect of public notification but does not alone satisfy a reasonable and good faith effort to make public notifications.

- And finally the mechanism for the public to easily access and completely described the impact from Burn Agency created smoke and carbon pollution is inadequate and undermines the ability of the public to make accurate smoke pollution complaints. I have attached a sample Citizen EZ Smoke Pollution Complaint for Washoe County. I understand that there are planned mechanism to distribute this form far and wide on Social Media to our fellow citizens to help describe and express the adverse impact of agency generated unhealthful smoke pollution, including those who must commute and travel on foot.

Thank you for considering these prudent and very reasonable additions to your proposed February 7, 2020 draft. Prescribed Burn regulation 040.035 and Smoke Management Plan in the interest of prioritizing public health over Agency Burn Managers “must burn”, “just burn” “just let it burn” agendas.

Doug Flaherty  
Resident  
Incline Village, NV  
TahoeBlue365@gmail.com

**Instructions:**

- Save Complaint form to your computer
- Complete form
- Click on save
- Email completed form to;  
[KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us)

**SMOKE POLLUTION COMPLAINT**  
**TO**  
**WASHOE COUNTY AIR QUALITY MANAGEMENT DISTRICT**  
 (775) 784-7200 (24 hrs per day)  
 FAX (775) 784-7225  
[KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us)

**Dear Washoe County Air Quality Management Officer:**

**As you know, Burn Agencies are required to comply with the Clean Air Act even during prescribed burn operations.**

Valid smoke pollution complaints are Important to protect our health and our families health from dangerous PM1, PM2.5 and PM10 smoke emissions. **Please help protect our health.**

Please consider this a **formal** smoke emission air pollution complaint in connection with the burning/smoldering that is being conducted, or has recently been conducted **in the vicinity of (check all that apply):**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Washoe Valley          | <input type="checkbox"/> Mt Rose Hwy                   | <input type="checkbox"/> North Valleys   |
| <input type="checkbox"/> Reno                   | <input type="checkbox"/> Sand Harbor                   | <input type="checkbox"/> Other location: |
| <input type="checkbox"/> Northern Washoe County | <input type="checkbox"/> Incline Village / Crystal Bay |  |

**Provide additional location information or comments:**

**The smoke is impacting and/or polluting (check all that apply):**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> My Health / My families health   | <input type="checkbox"/> Residential neighborhoods        | <input type="checkbox"/> Schools                         |
| <input type="checkbox"/> Bus stops  | <input type="checkbox"/> Businesses                       | <input type="checkbox"/> Recreation or recreation events |
| <input type="checkbox"/> Public streets, roadway or highways  | <input type="checkbox"/> Portions of the Lake Tahoe Basin | <input type="checkbox"/> My pets, livestock or wildlife  |
| <input type="checkbox"/> I am having a difficult time breathing.  |   |  |
| <input type="checkbox"/> The smoke is preventing me from going outside or recreating.   |   |  |
| <input type="checkbox"/> I am a COPD, heart lung, Asthma patient or disabled and the smoke is making it difficult or painful to breath.   |   |  |
| <input type="checkbox"/> The smoke has gotten into my house even though my windows are closed.  |   |  |
| <input type="checkbox"/> I do not have a car. I must walk or bicycle wherever I go. The smoke is making it hard for me to breathe, travel to my job, walk my kids to school, go to the store, or perform other daily tasks. |   |  |

I have attached a photograph(s)

I am unable to attach a photograph

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date (MM/DD/YYYY)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Street address or PO Box

\_\_\_\_\_  
City/Zip Code

**Please ensure that an Air Quality Notice of Violation is issued to the burn agency or persons responsible for this pollution/smoke emission event if they are found to be creating unhealthy smoke impacts to persons. Please keep me informed of the outcome of my formal smoke/pollution complaint. Please do not try to dissuade me that this is just a temporary prescribed burn and it's just something we need to live with. The human lung is not smoke adapted. We have a right to Clean Air.**

5. All prescribed burns must follow the following Smoke Management Permit conditions:
- a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To more accurately monitor and minimize potential smoke impacts ~~minimize smoke impacts~~ and emissions, each land manager will apply the best and latest technology smoke management mechanical emission monitoring and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available to the public and upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.
  - f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
  - g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

Comments on: 040.037 PRESCRIBED BURNING (2/7/20 draft)

By: Anna Higgins, Resource Management Officer, Nevada Division of Forestry

Section C 2. What about soil, other debris, and/or organic matter that may be pushed into burn piles during logging operations?

Section D.1 – what does ‘consider’ cover?

Section E.2 – Definition of ‘favorable air dispersion conditions’?

Section E.2 – If the ‘Control Officer’ is adding ‘conditions’ to the burn plan is that then altering the burn plan? A burn plan is a legal document that sets the parameters for burning conditions as approved by the burn plan preparer, the agency administrator, and the technical reviewer. The ‘Control Officer’ is not a signature of an approved burn plan. Also, who is the ‘Control Officer’?

Section E.3 – Is there a time limit for the ‘Control Officer’ to request information related to the burn plan application?

Section E.4 – 2 weeks seems like a lengthy time to get a burn permit approved as NDEP sometimes approves a permit within 1 day & burn conditions may change drastically in 2 weeks.

Section E.5.a – ‘Permits will not be valid during an air pollution alert, warning, or emergency.’ What is the geographic range/area for the air pollution alert, warning, or emergency? When Reno has degraded air quality due to an inversion that should not affect prescribed burn operations in Lake Tahoe or northern Washoe County, especially if the areas outside of Reno have good dispersion conditions.

Section E.5.e – ‘All prescribed burn operations **shall** be subject to inspection by the Control Officer’ – Can a weekend burn occur if the ‘Control Officer’ is not available to inspect the operations? The ‘Control Officer’ may need to be escorted by a qualified firefighter during operations and this should be scheduled in advance of the prescribed burn.



# Proposed Revisions to District Board of Health Regulations Governing Air Quality Management Section 040.037 Prescribed Burning

January 15, 2020

Daniel Inouye  
Monitoring and Planning Branch Chief  
&  
Julie Hunter  
Senior Air Quality Specialist

# 040.037 Prescribed Burning

- Revised from 040.035 Open Fire Regulation (Section E)
  - Prescribed burning is allowed in forested areas during favorable air dispersion conditions
  - A prescribed burn permit shall be required for all prescribed burns
  - Permits may be issued to local fire control authorities or managers of the Forest Service, BLM, and NDF for lands under their control and jurisdiction
  - The smoke management portion of the burn prescription shall be reviewed and conditions set to limit air quality impacts
  - Applications for a prescribed burn permit and burn plan must be submitted at least 10 days prior to the burn

# 040.037 Prescribed Burning

- Agencies shall consider reasonable alternatives
- Regulations applicable to the following agencies
  - Divisions of federal, state and local fire control agencies
  - Divisions of local municipalities
  - Canal and irrigation companies
- Prescribed burning shall comply with the Division's Smoke Management Program
- A “smoke management” permit must be obtained for all prescribed burns
- Prescribed burns must follow the Smoke Management Permit Conditions

# Revision Summary

- Separated from Open Fires (040.035)
- Applies to federal, state, local fire control agencies, local municipalities, and canal and irrigation companies
- Compliance with Smoke Management Program
- Obtain a “Smoke Management” permit (previously called “prescribed burning”)
- Follow Smoke Management Permit conditions

# What's next?

- Public comments – Business Impact Statement
- Business Impact Statement
  - District Board of Health February 27, 2020
- Adoption of revised regulation
  - District Board of Health March 26, 2020

# Discussion and Questions

Contact Information:

Daniel Inouye

Monitoring and Planning Branch Chief

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[dinouye@washoecounty.us](mailto:dinouye@washoecounty.us)

(775) 784-7214

Revised Regulation: [OurCleanAir.com](http://OurCleanAir.com)

[illegible]



# Proposed Revisions to District Board of Health Regulations Governing Air Quality Management Section 040.037 Prescribed Burning

February 19, 2020

Daniel Inouye  
Monitoring and Planning Branch Chief  
&  
Julie Hunter  
Senior Air Quality Specialist



# 040.037 Prescribed Burning

- Revised from 040.035 Open Fire Regulation (Section E)
  - Prescribed burning is allowed in forested areas during favorable air dispersion conditions
  - A prescribed burn permit shall be required for all prescribed burns
  - Permits may be issued to local fire control authorities or managers of the Forest Service, BLM, and NDF for lands under their control and jurisdiction
  - The smoke management portion of the burn prescription shall be reviewed and conditions set to limit air quality impacts
  - Applications for a prescribed burn permit and burn plan must be submitted at least 10 days prior to the burn

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- Compliance with Smoke Management Program
- Obtain a “Smoke Management” permit (previously called “prescribed burning”)
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# What's next?

- Public comments – Business Impact Statement
- Business Impact Statement
  - District Board of Health March 26, 2020
- Adoption of revised regulation
  - District Board of Health April 23, 2020

# Discussion and Questions

Contact Information:

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(775) 784-7214

Revised Regulation: [OurCleanAir.com](http://OurCleanAir.com)

## 040.037 Prescribed Burning Regulation Revision Workshop

February 19, 2020 10:00 to 12:30 · Health District, South Auditorium

[illegible]



[illegible]

## Attachment 1.4

Proposed revisions to Section 040.037  
Prescribed Burning (strike-out and underline)



040.037 PRESCRIBED BURNING (Revised from 040.035)

**SECTION A – GENERAL**

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that is identified in the burn plan or project ~~grew on the property~~ where the burn is to be conducted.
2. Fire Control Agency: Agencies that are qualified to conduct prescribed burns.
3. Land Management Agency: Agencies that are qualified to conduct prescribed burns.
4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.
5. Prescribed Burning. Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

**SECTION C – STANDARDS:** The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
  - a. Residential open burning (defined in Section 040.035);
  - b. Recreational fires; and
  - c. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.
4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.

5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

**SECTION D – ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.
- ~~2. Prescribed burning within Washoe County is applicable to the following agencies:~~
  - ~~a. Divisions of federal, state, and local fire control agencies;~~
  - ~~b. Divisions of local municipalities; and~~
  - ~~c. Canal and irrigation companies.~~

**SECTION E – COMPLIANCE AND RECORDS:** For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. ~~For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions.~~ Prescribed burns shall not be subject to the burn limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least fourteen (14) calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn plan and any other information as required by the Control Officer.
5. All prescribed burns must follow the following Smoke Management Permit conditions:
  - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.

- f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
- g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

DRAFT FEBRUARY 7, 2020

## Attachment 1.5

Section 040.037 Prescribed Burning as adopted

040.037 PRESCRIBED BURNING (Revised from 040.035 adopted 05/28/20)

**SECTION A – GENERAL**

1. **PURPOSE:** To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.
2. **APPLICABILITY:** The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. **Allowable Vegetation.** Means only plant material that is identified in the burn plan or project where the burn is to be conducted.
2. **Fire Control Agency:** Agencies that are qualified to conduct prescribed burns.
3. **Land Management Agency:** Agencies that are qualified to conduct prescribed burns.
4. **Open Burning.** Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.
5. **Prescribed Burning.** Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.
6. **Recreational Fires.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. **Smoke Impacts.** Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

**SECTION C – STANDARDS:** The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:
  - a. Residential open burning (defined in Section 040.035);
  - b. Recreational fires; and
  - c. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.

4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

**SECTION D – ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.

**SECTION E – COMPLIANCE AND RECORDS:** For the purpose of these regulations, the following compliance and record requirements shall apply:

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.
2. Prescribed burning is allowed during favorable air dispersion conditions. Prescribed burns shall not be subject to the burn limitations of Section 040.035.
3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.
4. Any application for a Smoke Management Permit must be submitted at least **fourteen (14)** calendar days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn plan and any other information as required by the Control Officer.
5. All prescribed burns must follow the following Smoke Management Permit conditions:
  - a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.
  - b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.
  - c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.
  - d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.
  - e. All prescribed burn operations shall be subject to inspection by the Control Officer.
  - f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.
  - g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to

revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

## Attachment 1.6

Approved minutes from the  
May 28, 2020 public hearing



## **Washoe County District Board of Health Videoconference Meeting Minutes**

### **Members**

Dr. John Novak, Chair  
Michael D. Brown, Vice Chair  
Marsha Berkbigler  
Kristopher Dahir  
Dr. Reka Danko  
Oscar Delgado  
Tom Young

**Thursday, May 28, 2020  
1:00 p.m.**

**Washoe County Administration Complex  
Commission Chambers, Building A  
1001 East Ninth Street  
Reno, NV**

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### **1. \*Roll Call and Determination of Quorum**

Chair Novak called the meeting to order at 1:03 p.m.

The following members and staff were present:

Members present: Dr. John Novak, Chair  
Michael Brown, Vice Chair  
Kristopher Dahir (via zoom)  
Oscar Delgado (via zoom)  
Tom Young (via zoom)

Members absent: Marsha Berkbigler (appeared via zoom at 1:13 p.m.)  
Dr. Reka Danko (appeared via zoom at 1:05 p.m.)

**Mrs. Valdespin verified a quorum was present.**

Staff present: Kevin Dick, District Health Officer  
Dania Reid, Deputy District Attorney  
Anna Heenan  
Charlene Albee (via zoom)  
Lisa Lottritz (via zoom)  
Julie Hunter (via zoom)  
Francisco Vega (via zoom)  
Andrea Esp (via zoom)

### **2. \*Pledge of Allegiance**

Vice Chair Brown led the pledge to the flag.

### **3. \*Public Comment**

**Chair Novak opened the public comment period.**

Mrs. Valdespin confirmed there was no public comment.

**Chair Novak closed the public comment period.**

#### 4. **Approval of Agenda**

May 28, 2020

**Vice-Chair Brown moved to approve the agenda for the May 28, 2020, District Board of Health regular meeting. Councilman Delgado seconded the motion which was approved unanimously.**

#### 5. **Recognitions**

##### A. Retirements

- i. Suzanne Dugger, Air Quality Specialist, retired May 1, 2020 – AQM  
Mr. Dick recognized Ms. Dugger for her 18 years of service.
- ii. Carol Lynnie Shore, Public Health Nurse II, retired May 1, 2020 – CCHS  
Mr. Dick congratulated and thanked Ms. Shore for her 17 years of service and stated he hopes she comes back to assist with vaccines once they have one for COVID-19.
- iii. Scott Baldwin, Air Quality Specialist, retired May 1, 2020 – AQM  
Mr. Dick recognized Mr. Baldwin's 14 years of service.
- iv. Jacqueline Gonzalez, Advanced Practice Registered Nurse, retired May 1, 2020 – CHS  
Mr. Dick mentioned that she was only with the Health District for 20 months but has 37 years in the medical services.
- v. Dr. Randall Todd, Epi Center Director, retired May 8, 2020 – EPHP  
Mr. Dick recognized and congratulated Dr. Todd after 14 years with the Health District and 40-year career in public health.

##### B. Years of Service

- i. Lilia Sandoval-Huffman, 25 years, hired May 15, 1995 – CCHS  
Mr. Dick recognized Ms. Sandoval-Huffman for her 25 years of service as an Office Assistant II.
- ii. Cindy Hawks, 20 years, hired May 1, 2000 – EPHP  
Mr. Dick recognized Ms. Hawks for her 20 years of service as an Office Support Specialist.
- iii. Laurie Griffey, 15 years, hired May 9, 2005 – AHS  
Mr. Dick recognized Ms. Griffey for her 15 years of services as an Administrative Assistant I and HR Rep for the Health District.

##### C. Promotions

- i. Kimberly Graham – promoted from Administrative Assistant I to Fiscal Compliance Officer – AHS  
Mr. Dick recognized Ms. Graham and her promotion within the Health District.

##### D. New Hires

- i. Vicky Olson, March 30, 2020, Emergency Medical Services Coordinator, ODHO
- ii. Lisa Sheretz, April 13, 2020, Health Educator II – CCHS
- iii. Liliana Wilbert, April 27, 2020, Epidemiologist – EPHP
- iv. Andrea Esp, April 13, 2020, Preparedness and EMS Program Manager – EPHP
- v. Christina Sheppard, Advanced Practice Registered Nurse, transferred on May 11, 2020 – CCHS  
Mr. Dick recognized and welcomed all listed staff to the Health District.

##### E. Shining Star

- i. Theresa Bennett  
Mr. Dick thanked all staff for providing excellent customer service and noted that since the inception of this program the Health District has received 707 Shining Star Awards, with Ms. Bennet being recognized today for receiving ten.

F. Hero of the Day

i. Erick Lamun

Mr. Dick congratulated Mr. Lamun for his efforts in running the POST operations and his recognition by Governor Sisolak as Hero of the Day.

6. **Proclamation** – Emergency Medical Services Week – Beyond the Call

Accepted by: Andrea Esp

**Vice Chair Brown moved to approve EMS Proclamation. Councilman Dahir seconded the motion which was approved unanimously.**

7. **Consent Items**

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Approval of Draft Minutes

i. March 26, 2020

B. Budget Amendments/Interlocal Agreements

- i. Approve a Notice of Subaward from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health retroactive to January 20, 2020 through March 15, 2021 in the amount of \$931,381.00 to support COVID-19 crisis response activities and authorize the District Health Officer to execute the Notice of Subaward and any future amendments.  
Staff Representative: Nancy Kerns-Cummins

- ii. Approve the Agreement between Washoe County Health District and the Board of Regents of the Nevada System of Higher Education to provide access to community and clinical public health opportunities for medical residents during their preceptorship experience for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year.  
Staff Representative: Kim Graham

- iii. Approve two Interlocal Agreements between Washoe County Health District and University of Nevada, Reno School of Medicine Integrated Clinical Services, Inc., and University of Nevada, Reno School of Medicine Multi-Specialty Group Practice North, Inc., dba MEDSchool Associates North, to designate faculty member(s) to serve as Medical Director to the District for the Family Planning Clinic and to provide colposcopy and/or biopsy services to clients referred by the Clinic for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties, with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year.  
Staff Representative: Kim Graham

- iv. Approve Subaward Amendment #1 from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health retroactive to March 29, 2020 through April 28, 2020 in the amount of \$15,279 for a total revised award of \$117,577 in support of the Community and Clinical Health Services Division (CCHS) Tobacco Prevention and Control Grant Program, IO#11559 and

authorize the District Health Officer to execute the Subaward.  
Staff Representative: Kim Graham

- v. Approve the Agreement between Washoe County Health District and Washoe County through its Department of Juvenile Services to provide consultative and clinical services, Tuberculosis (TB) testing, and Sexually Transmitted Disease (STD)/TB treatment medications for Wittenberg juveniles for the period July 1, 2020 through June 30, 2021 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year.

Staff Representative: Kim Graham

- vi. Possible approval of the Amendment to Interlocal Agreement for Incident Command and Coordinated Response to COVID-19 to allow transfer of delegation of authority and responsibility from Battalion Chief Sam Hicks to Aaron Kenneston, Washoe County Emergency Manager.

Staff Representative: Kevin Dick

**Councilman Dahir moved to approve the consent agenda. Vice-Chair Brown seconded the motion which was approved unanimously.**

## **8. Regional Emergency Medical Services Authority**

Presented by: Dean Dow and Alexia Jobson

### **A. Review and Acceptance of the REMSA Operations Report for March 2020 –**

### **B. Review and Acceptance of the REMSA Operations Report for April 2020**

Mr. Dow provided information about how REMSA has been responding to the pandemic across Washoe County. Mr. Dow mentioned REMSA continued to be represented at the Incident Management Team with representation from Brian Taylor and Kevin Romero. Mr. Dow highlighted REMSA's logistic department that is headed by Josh and Jake Duffey. Mr. Dow mentioned this team was able to plan ahead and as a result they have been able to procure PPE for staff and crews. Additionally, Mr. Dow mentioned the logistics department has been able to donate over 2000 N-95 masks to Health Care facilities, long-term care facilities and their fire employee's department partners.

REMSA has expanded access to their health nurse line and have outgrown capacity at about 250% to better serve and respond to phone calls for all of rural Nevada and parts of North and Eastern California. In partnership with Washoe County Health District, REMSA stood up a community triage line. In partnership with UNR's School of Medicine volunteers were recruited from the university and the community, as a result, 9,583 phone calls related to health care have been taken since March 20, 2020.

Mr. Dow also informed that REMSA continues to transport people experiencing homelessness between testing, care facilities, and temporary housing locations in partnership with Washoe County.

REMSA has worked with the Health District, Resort Association, and the Gaming Commission to develop infectious disease protocols and action plans in preparation of the re-opening of some casino properties.

As of March 17, 2020, REMSA's medically trained dispatchers have performed more than 2,000 influenza like screenings and have followed up with first responder across the area.

Mr. Dow informed that as of result of this pandemic REMSA's education department was impacted and was forced to shut some of the classes down to the public. However, where able, REMSA adapted to virtual trainings. Mr. Dow is hopeful that REMSA will be able to open their education campus within the next week, follow stringent guidelines.

Councilman. Dahir thanked REMSA for their services but asked if REMSA has had federal financial help.

Mr. Dow stated REMSA has been successful in procuring some financial support primarily from Health and Human Services. REMSA continues to watch those efforts closely and continue to engage with congressional representatives and others in Washington DC. Mr. Dow is hopeful that REMSA will receive additional support.

**Vice-Chair Brown moved to accept the REMSA Operation Reports for March and April of 2020. Dr. Danko seconded the motion which carried unanimously.**

**C. \*Update of REMSA's Public Relations during March 2020**

**D. \*Update of REMSA's Public Relations during April 2020**

Ms. Jobson stated that most of their public relations have been focused on the pandemic. Ms. Jobson informs that she has been participating with the Joint Information Center (JIC) as an effort to work through the pandemic. Ms. Jobson informs she assisted in coordinating the first virtual town hall, assisted with the frequently asked questions portion of covid19washoe.com, and graphical messaging and collaborative messaging with other health care partners. Ms. Jobson took time to recognize the hard work and leadership of JIC Lead PIO, Adam Mayberry as well as Washoe County's Communication team.

Ms. Jobson informed that REMSA has consistently responded to media inquiries and proactively offered up subject matter experts for the pandemic related to the triage line, employee health and wellness, mobile health care response throughout Washoe County, PPE, and the importance of continuing to call 911 for medical emergencies.

Ms. Jobson informed that Matt Hauth, dispatch supervisor, was interviewed and featured in the Hill, a Washington D.C. online magazine that reaches out to legislators and congressional staffers.

Ms. Jobson mentioned enhancements made to REMSA's webpage including a "Donations" section and "Say Thanks". The Say Thanks section allows public to send messages of appreciation to employees across the organizations.

**9. PUBLIC HEARING - Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.037 Prescribed Burning. (FOR POSSIBLE ACTION)**

Staff Representative: Francisco Vega/Julie Hunter

Julie Hunter began to discuss the immediate item for Mr. Vega. Ms. Hunter highlighted that the item up for public hearing was previously a part of the Open Fire Regulation, which was revised and adopted for revisions on September 26, 2019 by this Board, however, the revisions brought forth did not contain the prescribed burning section of the regulations. Thus, the need to bring this item back to the Board for adoption. Ms. Hunter noted that 3 workshops were held, public

comment was received from two individuals, and Air Quality Management fees would not be affected as a result of this item. Ms. Hunter asked for the Board to adopt the regulations.

**Councilman Dahir moved to adopt the revision made to the Regulations Governing Air Quality Management. Tom Young seconded the motion, which was which was approved unanimously.**

**10. Review and update on COVID-19 Emergency Response Activities. FOR POSSIBLE ACTION**

Staff Representative: Kevin Dick

Mr. Dick commended Health District staff on their willingness to take on this new challenge. He also spoke of the strategy that is in place, which includes the following: mitigation efforts that in summary deals with social distancing/non-pharmaceutical intervention, surge capacity with health care system to provide medical care, and preparing for crisis standards of care in case medical capacity is exceeded.

The efforts with the first part of the strategy have been successful, regarding the flattening the curve, and now we have been able to move to the re-opening phases.

Mr. Dick listed all the efforts that were made to respond quickly from the first COVID case and to dealing with the concerns relating to Huffaker Elementary School and standing up a Point of Screening and Testing (POST) for sample collection successfully which required numerous support services. He also made note of the activities related to COVID such as the 24/7 call center that REMSA is now leading, the portal on the web to fill out a risk assessment and schedule testing, scheduling operations, follow-up after testing, and contact tracing (case investigation).

Mr. Dick spoke of the collaboration the Health District has had with Accela, and design and implementation of a platform to assist with managing many of the scheduling, paperwork, labeling, and results reporting activities for COVID.

Mr. Dick made reference to the Incident Command System organizational chart which provided an example of the structure that was built through the Health Branch for the COVID response. Mr. Dick elaborated on the structure and the tasks and responsibilities that are listed for the variety of units within the Health Branch. Mr. Dick highlighted that Julia Ratti has served as the director for the homelessness services branch, until it was merged with Housing and supported by Human Services Agency. Mr. Dick also mentioned Scott Oxarart's participation with the JIC and their extensive daily communications to the community. As far as the regional response the Health District works under unified command structure with Aaron Kenneston as the new lead, per the item listed in this consent agenda.

Mr. Dick stated they have been fortunate to have the National Guard join them and integrated into the operations. Mr. Dick informed that the POST and all operations from call center through contact tracing has been viewed as a model by the State. National Guard members come through the Health District to train and then go out to do POSTs in rural communities and train local county governments on contact tracing.

Mr. Dick stated they are working on work plans and budgets to receive federal funding through Paycheck Protection Program as well as other funding for about \$10 million, that will help with staffing for POST operations and call center through contact tracing effort as the National Guard steps down. Mr. Dick clarified that the National Guard is currently set to step down on



June 24, 2020, however, he is hopeful that the Governor's current plans to extend the date to August comes to fruition.

Mr. Dick continued to update about a mobile POST at a senior living facility. Mr. Dick mentioned the priorities were set so that testing can happen where vulnerable population are found such as long-term care facilities, senior living, congregate settings, and high risk workforces such as first responders and health care providers, and that this testing will need to be repeated with some frequency.

Mr. Dick informed the Board that the Health District's drive through POST will be open for asymptomatic testing during June 1, 2020 through June 6, 2020, as per the statewide initiative from the Governor's office. Additionally, Mr. Dick mentioned that they're working on a seroprevalence study in conjunction with researches at UNR's School of Epidemiology and the Nevada State Public Health Lab, which will provide the Health District with a percentage of Washoe County population that has been exposed to COVID-19 and have developed antibodies to the disease.

Councilman Dahir asked about what the Health District is foreseeing or doing to prepare for a possible wave in the fall.

Mr. Dick stated that the Health District has had a discussion about a surge in the fall, and that an increase in influenza-like illness (ILI) during the flu season will require more testing. Mr. Dick stated that he sees an increase in demand for testing. Asymptomatic Testing now is a stress test to the system to manage capacity in the fall. The State is working on a contract with a vendor that will provide all the local authorities with a software platform that will support contact tracing as well as providing contact tracing staff that can be used by entities across the state as needed for surge capacity.

Mr. Dick informed that hospitals are prepared for a potential surge, Renown has built out 700 additional beds for these purposes. He also mentioned the Health District is coordinating with Immunize Nevada and working on plans on how to enhance the delivery of vaccines for influenza, to reduce the number of people with ILI needing to be tested for COVID-19.

Councilman Dahir asked if antibody testing is a good idea.

The State Lab's antibody testing is limited to testing for public health purpose, as surveillance to identify the level of exposure in our population. However, Mr. Dick mentioned that if people want to get it, they might be available to test through the private sector and/or health provider. Mr. Dick cautioned about rushing to get these tests as information about the accuracy of tests may not be available and many are not reliable.

Chair Novak added that almost 200 serology tests were sent to the CDC but only 12 have been approved. He stated that if people want to get tested, it's important to find one that is approved by the CDC.

**Vice-Chair Brown moved to accept the COVID-19 Response Activities report. Tom Young seconded the motion which was approved unanimously.**

**11. Acknowledge receipt of the Health Fund Financial Review for April, Fiscal Year 2020.**

Staff Representative: Anna Heenan

Ms. Heenan informed that the Unified Command has spent \$7.5 million with some revisions on purchases. Unified Command costs will be shared by Washoe County, City of Sparks, and City of Reno. The Health District has spent about over \$1 million for costs will not be reimbursed

by the grants. At this point \$931,000 has been accepted for grant funding and the Health District is working on an additional \$11 million that will help with contact tracing and the call center.

Ms. Heenan stated that in reviewing the figures in February, the revenues for FY20 are going to be \$275,000 less than what was reported. Ms. Heenan anticipates a \$2 million loss in revenue for FY21, which can be covered with the Fund Balance, but expenditures will have to be reduced.

Ms. Heenan stated that in an effort to cover the loss in revenue, a hiring freeze is in place, the non-mission critical positions will not be filled, non-critical mission expenditures will be frozen, the funds for community support project will have to be held off for a year, the Behavior Health Injury Prevention Program will be put on hold, and the mosquito abatement fund will have to be cut, and the Lawn Mower Rebate Program will have to be analyzed for cuts. However, Ms. Heenan also reported that the Health District has enough inventory for mosquito abatement for the rest of the summer and although the Lawn Mower Rebate Program is covered with restricted funds, those funds may be necessary if the Health District is unable to cover labor.

Ms. Heenan informed that if revenues continue to decline the way it has been projected, an additional \$1 million in cuts will be needed before going into FY22. Ms. Heenan stated that she will be reporting to the Board monthly as she monitors this situation.

Councilman Dahir asked how the Health District is preparing to get people back to their normal duties.

Mr. Dick explained that with the National Guard assisting, employees are beginning to be able to return to their normal duties and as the Health District is able to get federal funding and temporary staff is hired to cover response activities the Health District will be able to pull the remaining staff.

Councilman Dahir also asked if the Health District has contemplated a decrease in pay for the employees as a measure to save funds.

Mr. Dick informed that those conversations have not happened with the County Manager, as they are the lead with negotiations with the associations, but this possibility is not out of the realm.

Councilman Dahir mentioned it would be beneficial to have a laid-out plan as to what the Health District wants before those conversations happen.

**Vice-Chair Brown moved to accept the Fund Financial Review report. Councilman Dahir seconded the motion which was approved unanimously.**

## **12. \*Staff Reports and Program Updates**

### **A. Air Quality Management, Francisco Vega, Division Director**

Program Update – Maintenance of Essential Functions, Divisional Update, Program Reports, Monitoring and Planning, Permitting and Enforcement

Mr. Vega stated he did not have anything additional to add but opened the item for questions.

Tom Young asked if the air quality has improved since the shutdown has occurred.

Mr. Vega stated that it is difficult to answer directly due to other the factors associated with the air quality monitoring data. In general, the air quality in Washoe County is in attainment with the Air Quality Standards.

### **B. Community and Clinical Health Services, Lisa Lottritz, Division Director**



Divisional Update – Teen Pregnancy Prevention Month; Data & Metrics; Sexual Health (HIV and Disease Investigation), Immunizations, Tuberculosis Prevention and Control Program, Reproductive and Sexual Health Services, Chronic Disease Prevention Program, Maternal Child and Adolescent Health and Women Infants and Children.

Ms. Lottritz reported that her clinics have been operating throughout the COVID response, with some adjustments.

Ms. Lottritz mention that WIC has offered telephonic visits. Additionally, Family Planning, sexual health, TB, and immunization services have continued with adaptations.

**C. Environmental Health Services, Charlene Albee, Division Director**

Environmental Health Services (EHS) Division Program Updates – **Consumer Protection** (Food, Food Safety, Permitted Facilities, and Commercial Plans) and **Environmental Protection** (Land Development, Safe Drinking Water, Vector, Waste Management/UST, and Inspections).

Ms. Albee reports that her department has been busy working with COVID response. Ms. Albee informed that of her 44.9 full time employees her department was down to 2-3 employees available in Environmental Health, as a result of assisting with COVID response.

Ms. Albee stated that her department's priorities are set to respond to complaints and perform high risk inspections (Category 3 restaurants, daycares, schools, etc.).

Ms. Albee informed that a re-opening plan for pools has been set. Regulations require that every pool has a certified pool operator. The operator will send documents verifying compliance, before they open. Once those documents are received, inspections can be scheduled.

Ms. Albee stated her staff's expectations are to be effective and efficient and get as much work done with what is available.

**D. Epidemiology and Public Health Preparedness, Andrea Esp, Acting Division Director**  
Communicable Disease, Public Health Preparedness, Emergency Medical Services, and Vital Statistics

Ms. Esp informed she did not have anything additional but will respond to questions.

**E. Office of the District Health Officer, Kevin Dick, District Health Officer**

District Health Officer Report – COVID-19 Response, COVID-19 Homelessness Response, COVID-19 Contact Tracing, and Health District Support.

Mr. Dick informed that the office of the District Health Officer has been fully engaged with COVID response. Mr. Dick provided details on how his team has been involved in relation to COVID-19 and acknowledge their efforts.

Mr. Dick informed that the Health District has suspended activities through the Community Health Improvement Plan, the Community Health Needs Assessment, and Quality Improvement, and Workforce Development initiatives.

**13. \*Board Comment**

Councilman Dahir commended Mr. Dick for keeping things rolling. He also highlighted the importance of these meetings not just to communicate as a Board but also to keep on track, to let staff to be aware that the Board is cheering them on, and for the community. He expressed his appreciation to the Health District for making these meetings happen.

Chair Novak thanked staff for their flexibility. He sent special thanks to REMSA, National Guard, Eric Brown and the Commission, and City Managers. Chair Novack also shared his appreciation for Dr. Todd and all he has done for the past 14 years and wished him the best in his retirement.

Chair Novak thanked Mr. Dick for the numerous hours he spends on this response and for effectively communicating with the Board as well as Vice-Chair Brown.

#### **14. \*Public Comment.**

**Chair Novak opened the public comment period.**

Mrs. Valdespin confirmed there was no public comment.

**Chair Novak closed the public comment period.**

#### **Adjournment.**

**Chair Novak adjourned the meeting at 2:49 p.m.**

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**Possible Changes to Agenda Order and Timing:** Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

**Special Accommodations:** The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9<sup>th</sup> Street, Building B, Reno, NV 89512, or by calling 775.328.2415, 24 hours prior to the meeting.

**Public Comment:** During the "Public Comment" items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (\*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair.

**Response to Public Comment:** The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – Limited to Announcement or Issues for future Agendas."

**Posting of Agenda; Location of Website:** Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV Reno City  
Hall, 1 E. 1st St., Reno, NV  
Sparks City Hall, 431 Prater Way, Sparks, NV  
Washoe County Administration Building, 1001 E. 9th St, Reno, NV  
Downtown Reno Library, 301 S. Center St., Reno, NV  
Washoe County Health District Website [www.washoecounty.us/health](http://www.washoecounty.us/health) State of  
Nevada Website: <https://notice.nv.gov>

**How to Get Copies of Agenda and Support Materials:** Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9<sup>th</sup> Street, in Reno, Nevada. Susy Valdespin, Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us). Supporting materials are also available at the Washoe County Health District Website [www.washoecounty.us/health](http://www.washoecounty.us/health) pursuant to the requirements of NRS 241.020.

## Attachment 1.7

### Certificate of Adoption

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

## WASHOE COUNTY DISTRICT BOARD OF HEALTH CERTIFICATE OF ADOPTION

**WHEREAS**, a need has arisen to amend the District Board of Health Regulations Governing Air Quality Management, Section 040.037 (Prescribed Burning);

**WHEREAS**, this matter has been duly noticed and heard in conformance with applicable administrative procedure requirements;

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby adopts Section 040.037 with the amended language.

The presentation, discussion, and possible adoption of Regulations of the Washoe County Health District Board of Health Regulations Governing Air Quality Management, Section 040.037 (Prescribed Burning) were duly and regularly introduced, passed, and adopted at a regular meeting of the Washoe County District Board of Health, on the motion of Dahir, seconded by Young, on the 28<sup>th</sup> Day of May 2020, by the following vote of the Board:

**AYES:** Novak, Brown, Dahir, Delgado, Young, Berkbigler, Danko

**NAYS:** None

**ABSENT:** None



Kevin Dick  
District Health Officer



Dr. John Novak  
Chair